



DATE: May 19, 2014
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff
 FROM: John Jaschke, Executive Director *[Signature]*
 SUBJECT: BWSR Board Meeting Notice – May 28, 2014

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 28, 2014, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Metro Region Committee

- Boundary Changes for Brown's Creek and Rice Creek Watershed Districts** – Washington County filed a boundary change Petition for the Brown's Creek Watershed District and the Rice Creek Watershed District filed a boundary change Petition for the Rice Creek Watershed District. The proposed boundary changes encompass approximately 568 acres of land in the Cities of Grant and Hugo in Washington County. The boundary changes would bring approximately 548 acres of land into compliance with the Metropolitan Surface Water Management Act that requires all land within the seven county metropolitan area be included in a watershed management plan. Approximately 20 acres of land would be transferred from one district to the other.

The proposed boundary changes would benefit the public welfare and public interest because they would achieve a more accurate alignment between the hydrologic and legal boundaries of the two watershed districts based on more precise topographic data currently available. The public welfare and public interest would be benefitted further by the proposed boundary changes because they would assign several parcels that are bisected by a current watershed district boundary to one or the other of the two watershed districts. In response to the Notice of Filing of the Petitions published in area newspapers, no comments were received, no hearing was requested and no hearing was held. The Metro Region Committee met and unanimously recommends the full Board approve the boundary changes as proposed in the Petitions and that the watershed management plans of each watershed district be amended to include the area of the boundary changes within one year per the attached draft Order. **DECISION ITEM**

NEW BUSINESS

- FY14 CWF Update of the Minnesota Public Drainage Manual Contract Award Recommendations** – Clean Water Funds (\$235,000) were appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, Section 7(e) for grants to local government units and to update the Minnesota Public Drainage Manual and the Minnesota Public Drainage Law Overview for Decision Makers and to provide outreach to users. In accordance with the appropriation, BWSR staff

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|--|--|---|---|---|---|---|--|
| Bemidji | Brainerd | Duluth | Fergus Falls | Mankato | Marshall | New Ulm | Rochester |
| 403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600 | 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383 | 394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752 | 1004 Frontier Drive Fergus Falls, MN 56537 (218) 736-5445 | 12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821 | 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060 | 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074 | 3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889 |

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

created a project RFP specifying expanded document objectives as well as a number of different types of updates that will be applied to the two documents cited in the appropriation. The RFP was open starting on February 3, 2014 and ending on March 19, 2014. Responses to the Update of the Minnesota Public Drainage Manual (UMPDM) project RFP established with funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(e) were evaluated based on the following criteria presented to the Board in January 2014.

Ranking was accomplished by an interagency ranking team made up of BWSR (4), MDNR (1), MPCA (1), and MDA (1). Initial ranking (Criteria 1-4) occurred on April 16, 2014. Interviews were held and ranked on May 8, 2014. Due to the language in the appropriation requiring the project to be handled as a grant to a local government, it was originally taken before the Grants Program and Policy Committee on January 10, 2014. However, the legislature corrected the language in LOM 2014, CHAPTER 312--H.F.No. 3172 Article 14 on May 16, 2014. Normally contracts are handled administratively with an appropriate comment by the Director to the Board. However, due to the fact that this project started out as a grant to a local government and is now a contract, it is being brought to the Board as an information item only.

In accordance with the requirements of MMD the RFP responders cannot be told of their rank until the contract has been executed. The Board will not be told of the number, names, cost proposals, or ranks of responders. Contract development is in process. Execution of the contract is expected no later than July 15, 2014. **INFORMATION ITEM**

2. **Riparian Buffers** – An overview on common types of riparian buffers, current regulations and rules that require vegetated buffers, recent reports, and compliance and incentive programs for lake, stream, wetland, and ditch buffers. Olmstead County and SWCD staff will present their local effort to enforce buffer laws. **INFORMATION ITEM**
3. **BWSR Legislative Update** – Sarah Strommen – **INFORMATION ITEM**
4. **SWCD – Technical Capacity Summit & Funding Legislation** – Legislation was introduced late in the 2014 Session that includes mechanisms for SWCDs to generate local revenue to achieve their local/state/federal mission. MASWCD and BWSR will be holding a summit to gather ideas on June 11th in St. Cloud. **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting will adjourn about noon.

I look forward to seeing you on May 28th!

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 28, 2014

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF APRIL 23, 2014 BOARD MEETING

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

REPORTS

- Chair & Administrative Advisory Committee – Brian Napstad
- Audit & Oversight Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Steve Sunderland
- RIM Reserve & Soil Conservation Committee – Gene Tiedemann
- Water Management & Strategic Planning Committee – Jack Ditmore
- Wetlands & Drainage Committee – Gerald Van Amburg
- Drainage Work Group – Tom Loveall/Al Kean

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Boundary Changes for Brown's Creek and Rice Creek Watershed Districts – Jim Haertel
DECISION ITEM

NEW BUSINESS

1. FY14 CWF Update of the Minnesota Public Drainage Manual Contract Award Recommendations – Al Kean and Tim Gillette – ***INFORMATION ITEM***
2. Riparian Buffers – Al Kean, BWSR; Logan Tjossem, Olmsted County; and Skip Langer, Olmsted Soil and Water Conservation District - ***INFORMATION ITEM***
3. BWSR Legislative Update – Sarah Strommen – ***INFORMATION ITEM***
4. SWCD – Technical Capacity Summit & Funding Legislation – Sarah Strommen, BWSR; and LeAnn Buck, MASWCD - ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Matthew Wohlman
- Minnesota Department of Health – Chris Elvrum
- Minnesota Department of Natural Resources – Tom Landwehr
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Matt Solemsaas
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Don Baloun

UPCOMING MEETINGS

- BWSR All Staff Meeting – June 18-19, 2014, St. John's University, Collegeville
- Next BWSR Board Meeting – June 25, 2014, in St. Paul

Noon **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, APRIL 23, 2014**

BOARD MEMBERS PRESENT:

Jill Crafton, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Douglas Erickson, Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Kathryn Kelly, Tom Loveall, Brian Napstad, Judy Ohly, Neil Peterson, Dave Schad, DNR; Tom Schulz, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald VanAmburg, Matt Wohlman

STAFF PRESENT:

Mary Jo Anderson, Steve Christopher, Travis Germundson, Jim Haertel, John Jaschke, Melissa Lewis, Sarah Strommen, Doug Thomas, Dave Weirens

OTHERS PRESENT:

Rob Sip, MDA

Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

**
14-18 **ADOPTION OF AGENDA** – Moved by Christy Jo Fogarty, seconded by Matt Wohlman, to adopt the agenda as presented. *Motion passed on a voice vote.*

**
14-19 **MINUTES OF MARCH 26, 2014 BOARD MEETING** – Moved by Sandy Hooker, seconded by Faye Sleeper, to approve the minutes of March 26, 2014 as circulated. *Motion passed on a voice vote.*

INTRODUCTION OF NEW BOARD MEMBERS

- Jill Crafton, Watershed District
- Douglas Erickson, Non-Metro City Official
- Kathryn Kelly, SWCD
- Neil Peterson, County Commissioner

Chair Napstad welcomed new board members and thanked them for their service.

REPORTS

Chair's Report & Administrative Advisory Committee – Brian Napstad reported that the executive director's performance review will be conducted next month. If board members have not completed the evaluation, please do so. If board members have questions regarding the assessment contact Angie Becker Kudelka.

Chair Napstad reported that BWSR Committee assignments have been finalized; a committee membership spreadsheet was distributed. Chair Napstad reported that the EQB meeting was cancelled this month. Chair Napstad attended the Mississippi Headwaters Board (MHB) meeting. The MHB is seeking to expand its focus; DNR Commissioner Landwehr attended the meeting and supports the expansion.

Audit & Oversight Committee – Brian Napstad reported that the Office of Legislative Auditor (OLA) has begun auditing the BWSR Clean Water Funds.

Executive Director's Report – John Jaschke reported that the scope of some BWSR committees have been expanded and now encompass additional issues and membership due to the expanded roles. The Wetlands Committee added drainage issues, and is now the Wetlands & Drainage Committee; the RIM Reserve Committee added soil conservation issues and is now the RIM Reserve & Soil Conservation Committee; the Public Relations, Oversight & Strategic Planning Committee is now the Water Management and Strategic Planning Committee; and there is now the Audit & Oversight Committee. John asked that board members contact him or the Chair with any concerns or questions.

John reported that he conducted orientation sessions with new board members. John provided a brief legislative update and reviewed information in board members' packets.

Dispute Resolution Committee – Travis Germundson reported that there are presently 12 appeals pending; one new appeal filed since the March 26th Board meeting.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met yesterday; discussion included the Committee's role; BWSR's nine competitive grants; 20 non-competitive grants; the targeted demonstration program grants; and the Clean Water Fund competitive grants policy. The next meeting of the Grants Policy & Program Committee is May 27 at 2:00 PM.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Water Management & Strategic Planning Committee met last night; a recommendation is on the agenda later today. The next meeting of Water Management & Strategic Planning Committee is May 27 at 5:30 PM.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met and discussed the drainage language authorities; the work group looks to BWSR as a resource. John stated that the Public Drainage Manual is being updated.

John introduced BWSR staff in attendance: Sarah Strommen, Deputy Director; Angie Becker Kudelka, Organizational Effectiveness Director; Doug Thomas, Acting Assistant Director of Field Operations; Melissa Lewis, Water Plan & Policy Coordinator; Jim Haertel, Metro Region Supervisor; and Steve Christopher, Metro Region Board Conservationist.

COMMITTEE RECOMMENDATIONS

Metro Region Committee

Riley Purgatory Bluff Creek Watershed District Plan Amendment – Steve Christopher reported that the final draft Amendment to the Riley Purgatory Bluff Creek Watershed District Watershed Management Plan was filed with the Board on February 26, 2014. The Amendment proposes to revise the District's current implementation program by adding four capital improvement projects. The total estimated cost of the projects is \$1,275,000. The Metro Region Committee met and recommends approval of the Plan Amendment.

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14-20 Moved by Joe Collins, seconded by Jack Ditmore, to approve the Ripley Purgatory Bluff Creek Watershed District Plan Amendment. Rebecca Flood stated that the Metro Region Committee discussed the challenges of proper use and treatment of storm water discharge. John stated that at this time, the level of detail is in the metro plans not statewide. Discussion followed. Jill Crafton abstained from voting on this item. *Motion passed on a voice vote.*

Northern Region Committee

Cass SWCD Petition to Revise Nomination Districts – Tom Schulz reported that the Cass SWCD submitted a letter and petition to BWSR signed March 6, 2014 to revise the nomination districts for supervisors. The primary purpose for this request is to provide a better opportunity for the SWCD to solicit supervisor candidates. The SWCD Operational Handbook lays out the procedure for an SWCD to follow when revising SWCD nomination districts; Cass SWCD has followed this procedure and has submitted the required materials to BWSR to be approved in time for the filing period. Moved by Tom Schulz, seconded by Gene Tiedemann, to approve the Cass SWCD petition to revise nomination districts. Discussion followed. Jack Ditmore stated inconsistent dates are given: the Cass SWCD correspondence states the meeting date is March 4, 2014; and the Nomination Districts Resolution states the meeting date of March 6, 2014. *Motion passed on a voice vote.*

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14-21

Cass County Comprehensive Local Water Management Plan Extension – Tom Schulz reported that Cass County submitted a resolution requesting a two-year extension of their county water plan on March 18, 2014. The Cass County Local Water Management Plan would expire on May 27, 2014. The Northern Region Committee met on April 9, 2014; and recommends approval of the Cass County extension request. Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the two-year extension of the Cass County Comprehensive Local Water Management Plan until May 27, 2016. Discussion followed. Jack Ditmore asked about the date of the extension; the Cass County Resolution requests the extension date to January 24, 2016; the BWSR Resolution states May 27, 2016. The extension date will be May 27, 2016. *Motion passed on a voice vote.*

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14-22

Bois de Sioux Watershed District Overall Plan Amendment Hearing – Gerald Van Amburg reported that the Northern Region Committee held a hearing to receive testimony on the Bois de Sioux proposed overall plan amendment. The hearing was held on April 9, 2014 in Wheaton; 106 people attended the hearing including watershed district representatives; five people signed up to testify. The record will remain open through April 23, 2014. The Northern Region Committee will likely take action on this plan amendment at the June 11, 2014 Committee meeting, and bring this matter to the full Board after that.

Water Management & Strategic Planning Committee

One Watershed, One Plan – Final Suggested Boundary Map – Melissa Lewis reported that on January 2, 2014 a notice was sent to local governments initiating the 60-day review and comment period which closed on February 28, 2014. After discussing the comments and revised map, the Committee agreed with the requested changes and voted to recommend adoption of the One Watershed, One Plan Final Suggested Boundary Map, dated March 25, 2014. Moved by Jack Ditmore, seconded by Matt Wohlman, to adopt the One Watershed, One Plan Final Suggested Boundary Map, dated March 25, 2014. *Motion passed on a voice vote.*

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14-23

Melissa reported that the Water Management & Strategic Planning Committee met last night to discuss operating procedures and policies that are expected to be brought to the Board for action at its June 2014 meeting. They include: 1) plan extension policy; 2) participation requirements; 3) formal agreement requirement; 4) plan initiation process; and 5) boundary procedures. Melisa also reported that the Committee will outline the pilot watershed review, selection and recommendation process that will be used to bring a recommendation for selection to the Board in June.

Chair Napstad reported that he attended the Water Management & Strategic Planning Committee meetings and commended the work of the Committee and staff in getting this program implemented.

NEW BUSINESS

FY2014 Clean Water Fund Outcomes – Dave Weirens presented a comprehensive overview of the implementation activities conducted via the BWSR Clean Water Fund grant. The objective is to help meet statewide water quality goals through the prevention and reduction of non-point source pollution. Joe Collins questioned leveraging funds. Discussion followed. Dave will provide more detailed information to board members at the next meeting. Chair Napstad thanked Dave for his presentation.

UPCOMING MEETINGS

- Next BWSR Board Meeting – May 28, 2014, in St. Paul
- MAWD Summer Tour, June 18-20, 2014. Board members interested in attending, contact Mary Jo Anderson.

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14-24 Moved by Sandy Hooker, seconded by Gerald Van Amburg, to adjourn the meeting at 10:50 AM. *Motion passed on a voice vote.*

Respectfully submitted,

Mary Jo Anderson
Recorder

BWSR Board Workshop – The Draft Non-Point Priority Funding Plan (11:00 AM to 2:00 PM).



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: May 28, 2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Travis Germundson/
Gerald Van Amburg

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

None.

LINKS TO ADDITIONAL INFORMATION

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
May 15, 2014, 2014
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There has been **2** new appeal filed since the last report (March 26, 2014 Board Meeting).

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 14-5 (5-2-14) This is an appeal of an exemption determination in Kandiyohi County. The appeal regards the denial of a wetland exemption application. At issue is the wetland type determination. No decision has been made on the appeal.

File 14-4 This is an appeal of a restoration and replacement order in McLeod County. The appeal regards alleged drainage improvements associated with the excavation of a private drainage system. At issue is a prior exemption determination. No decision has been made on the appeal.

File 14-3 (4-17-14) This is an appeal of a restoration order in Murray County. The appeal regards alleged drainage impacts to a wetland contained on a DNR Wildlife Management Area (Degroot). No decision has been made on the appeal.

File 14-2 (4-3-14) This is an appeal of a restoration order in McLeod County. The appeal regards multiple drainage impacts to a Type 3 wetland associated with installation of agricultural drain tile and a ditch improvement project. No decision has been made on the appeal.

File 14-1 (2-3-14) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. Previous appeals (File 12-19 and File 13-5) were remanded for further technical work and administrative proceedings, and now the current approval is being appealed. The appeal has been accepted and a pre-hearing conference is scheduled for June 2, 2014.

File 13-7 (8-30-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal involves the same project and local unit of government decisions as File 13-6. The appeal has been combined with File 13-6 and remanded for further technical work and administrative proceedings. The parties mutually agreed to extend the time for decision on remand. A settlement agreement has been drafted.

File 13-6 (8-28-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal regards the approval of three wetland replacement plan applications for a silica sand mining operation. At issue is that the decisions allow for substantial wetland impacts to occur without replacement. The appeal has combined with File 13-7 and remanded for further technical work and administrative proceedings. The parties mutually agreed to extend the time for decision on remand. A settlement agreement has been drafted.

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. A verbal settlement agreement has since been reached that includes submittal of a replacement plan application. The appeal has been placed in abeyance by mutual agreement to determine the viability of a wetland replacement plan application.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application and confirmation of required mitigation.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to proceed with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of “as built” or project information pertaining to a public drainage system. A portion of the site has been restored and it appears the landowner is committed to restoring the remaining areas.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU’s denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

Summary Table

| Type of Decision | Total for Calendar Year 2013 | Total for Calendar Year 2014 |
|---------------------------------|------------------------------|------------------------------|
| Order in favor of appellant | | |
| Order not in favor of appellant | 2 | |
| Order Modified | 1 | |
| Order Remanded | 4 | |
| Order Place Appeal in Abeyance | 2 | |
| Negotiated Settlement | 1 | |
| Withdrawn/Dismissed | | |

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Boundary Changes for Brown's Creek and Rice Creek Watershed Districts – Jim Haertel

DECISION ITEM



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Boundary Changes for Brown's Creek and Rice Creek Watershed Districts

Meeting Date: May 28, 2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Metro Region

Contact: Jim Haertel

Prepared by: Jim Haertel

Reviewed by: Metro Region Committee(s)

Presented by: Jim Haertel

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Approval of Boundary Changes for the Brown's Creek Watershed District and the Rice Creek Watershed District

LINKS TO ADDITIONAL INFORMATION

The petitions are at:

<http://www.bwsr.state.mn.us/aboutbwsr/index.html>

On the right sidebar, under Metro Region Committee Meeting, click on "Boundary Changes for Browns Creek and Rice Creek Watershed Districts".

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Petitions

On March 17, 2014, Washington County filed a boundary change Petition for the Brown's Creek Watershed District and the Rice Creek Watershed District filed a boundary change Petition for the Rice Creek Watershed District pursuant to Minn. Stat. § 103D.251. The Rice Creek Watershed District Board of Managers adopted a resolution authorizing the boundary changes as required by Minn. Stat. § 103D.251, subd. 5(b). The petitioners have the proper authority under Minn. Stat. § 103D.251, subd. 5 to file the Petitions.

Area of Boundary Changes

The proposed boundary changes, the Petitioned Area, encompass approximately 568 acres of land in the Cities of Grant and Hugo in Washington County. Approximately 548 acres lie between the two watershed district boundaries and are not currently included in a watershed management plan. Approximately 20 acres of land would be transferred from one district to the other. The Petitioned Area is depicted on a map,

Exhibit B of the Petitions, and the affected parcels are listed on a parcel identification table, Exhibit A of the Petitions.

Reason for Boundary Changes

The boundary changes would bring approximately 548 acres of land into compliance with the Metropolitan Surface Water Management Act that requires all land within the seven county metropolitan area be included in a watershed management plan. See Minn. Stat. § 103B.231, subd. 1(a). The proposed boundary changes define contiguous areas to each of the two watershed districts as required by Minn. Stat. § 103D.251, subd. 1. The parcels in the Petitioned Area are within the hydrologic boundaries of the watershed district they would be assigned to by approval of the Petitions. The proposed boundary changes would benefit the public welfare and public interest because they would achieve a more accurate alignment between the hydrologic and legal boundaries of the two watershed districts based on more precise topographic data currently available. The public welfare and public interest would be benefitted further by the proposed boundary changes because they would assign several parcels that are bisected by a current watershed district boundary to one or the other of the two watershed districts. The proposed boundary changes are consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D.

Public Input

Although not a requirement, the two watershed districts jointly notified each landowner in the Petitioned Area about the proposed boundary changes and opportunities for public input that included two public meetings. The only comments received were a letter of support for the proposed boundary changes from the City of Hugo and a resolution supporting the proposed boundary changes from the Brown's Creek Watershed District Board of Managers. There is no known opposition.

Notice of Filing and Public Hearing

Due to no opposition the proposed boundary changes were determined to be noncontroversial, thus a Notice of Filing of the Petitions was published in area newspapers in accordance with Minn. Stat. § 103D.105, subd. 2. No comments were received, no hearing was requested and no hearing was held.

Standard of Review

Minn. Stat. § 103D.251, subd. 7(a) requires BWSR to approve the petitions if the proposed boundary changes would benefit the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. Also, Minn. Stat. § 103D.251, subd. 1 requires the boundaries of a watershed district to define contiguous areas.

Recommendation

The Metro Region Committee met on May 8, 2014 and determined the boundary changes as proposed in the Petitions would benefit the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. The proposed boundary changes define contiguous areas to each of the two watershed districts. The Committee unanimously recommends the full Board approve the boundary changes for the Brown's Creek and Rice Creek Watershed Districts as proposed in the Petitions and that the watershed management plans of each watershed district be amended to include the area of the boundary changes within one year per the attached draft Order.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota

In the Matter of the Boundary Changes for the
Brown's Creek and Rice Creek Watershed Districts
in Washington County pursuant to Minnesota
Statutes § 103D.251

**ORDER
BOUNDARY
CHANGES**

Whereas, the Brown's Creek Watershed District filed a Petition dated March 13, 2014, and the Rice Creek Watershed District filed a Petition dated February 12, 2014, with the Board of Water and Soil Resources (Board) on March 17, 2014, to change the boundaries of the Brown's Creek Watershed District and the Rice Creek Watershed District pursuant to Minn. Stat. § 103D.251, and;

Whereas, the Board has completed its review of the Petitions;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **Petitions.** The Petition to change the boundary of the Brown's Creek Watershed District, dated March 13, 2014, was filed by the Washington County Board of Commissioners with the Board on March 17, 2014. The Petition to change the boundary of the Rice Creek Watershed District, dated February 12, 2014, was filed by the Rice Creek Watershed District Board of Managers with the Board on March 17, 2014. The Rice Creek Watershed District Petition was accompanied by a resolution of the District's Board of Managers authorizing the boundary changes. The Washington County Board of Commissioners and the Rice Creek Watershed District Board of Managers have the authority under Minn. Stat. § 103D.251, subd. 5 to file the Petitions with the Board.
2. **Property Description.** The territory included in the boundary changes, the Petitioned Area, is located in the Cities of Grant and Hugo in Washington County entirely within the metropolitan area and totals approximately 568.3 acres of land, all contiguous to either or both of the watershed districts. The Petitioned Area includes the addition of approximately

149.1 acres of land not presently within a watershed management organization to the Rice Creek Watershed District and the transfer of approximately 20 acres of land from the Brown's Creek Watershed District to the Rice Creek Watershed District. Further, the Petitioned Area includes the addition of approximately 399.2 acres of land not presently within a watershed management organization to the Brown's Creek Watershed District including the transfer of portions of two parcels from the Rice Creek Watershed District to the Brown's Creek Watershed District. Each of the Petitions contained a parcel identification table of parcels affected by the proposed boundary changes, Exhibit A, and a map depicting the Petitioned Area, Exhibit B.

3. **Reasons for Boundary Changes.** The proposed boundary changes are necessary because almost all of the Petitioned Area is not currently in a watershed management plan, contrary to the requirement of Minn. Stat. § 103B.231, subd. 1(a), that all land within the metropolitan area be included in a watershed management plan. The proposed boundary changes define contiguous areas to each of the two watershed districts as required by Minn. Stat. § 103D.251, subd. 1. The parcels in the Petitioned Area are within the hydrologic boundaries of the watershed district they would be assigned to by approval of the Petitions. The proposed boundary changes would benefit the public welfare and public interest because they would achieve a more accurate alignment between the hydrologic and legal boundaries of the two watershed districts based on more precise topographic data currently available. The public welfare and public interest would be benefitted further by the proposed boundary changes because they would assign several parcels that are bisected by a current watershed district boundary to one or the other of the two watershed districts. The proposed boundary changes are consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D.
4. **Contiguous Areas.** The proposed boundary changes define contiguous areas to each of the two watershed districts as required by Minn. Stat. § 103D.251, subd. 1.
5. **Landowner Notification.** The two watershed districts jointly notified each landowner in the Petitioned Area about the proposed boundary changes and opportunities for public input that included two public meetings. The only comments received were a letter of support for the proposed boundary changes from the City of Hugo and a resolution supporting the proposed boundary changes from the Brown's Creek Watershed District Board of Managers. There is no known opposition to the proposed boundary changes.

6. **Notice of Filing.** The Petitions were determined to be noncontroversial because there was no opposition known. Therefore, Legal Notice of Filing of the Petitions, pursuant to Minn. Stat. §§ 103D.105, subd. 2 and 103D.251, subd. 6, was published in the White Bear Press on March 26, 2014, the Stillwater Gazette on March 26, 2014, The Lowdown-St. Croix Valley Area on March 28, 2014, and The Citizen on April 3, 2014. Further, a copy of the Notice of Filing was mailed on March 24, 2014, to several addressees including the Washington County Auditor, the Mayors of the Cities of Grant and Hugo, the Washington Conservation District, and the two watershed districts.
7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103D.105, subd. 3, which requires within 30 days of the last date of publication of the Notice of Filing that at least one request for hearing be received by the Board before a public hearing will be held. No requests for hearing and no comments were received during the specified period of time and no public hearing was held.
8. **Metro Region Committee.** On May 8, 2014, the Board's Metro Region Committee and staff met in St. Paul to review and discuss the Petitions. Those in attendance from the Board's Committee were Jill Crafton, Jack Ditmore, Rebecca Flood, Christy Jo Fogarty, Faye Sleeper, and Joe Collins as chair. Board staff in attendance was Metro Region Manager Jim Haertel. Board staff recommended approval of the boundary changes requested in the Petitions. Board staff stated the proposed boundary changes define contiguous areas to each of the two watershed districts. After discussion, the Committee unanimously voted to recommend to the full Board approval of the boundary changes as requested in the two Petitions because the boundary changes would benefit the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. The watershed management plans for the two watershed districts should be amended to include the area of the boundary changes within one year.

CONCLUSIONS

1. The Petitions for boundary changes of the Brown's Creek Watershed District and the Rice Creek Watershed District are valid in accordance with Minn. Stat. § 103D.251.
2. All relevant substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering watershed district boundary changes.
4. The property parcels included in the proposed boundary changes define contiguous areas to each of the two watershed districts as required by Minn. Stat. § 103D.251, subd. 1.
5. All landowners affected by the proposed boundary changes were notified of the proposal, given opportunity to comment, and no comments in opposition to the boundary changes were received.
6. The proposed boundary changes are consistent with, and would advance, the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255 and Chapter 103D.
7. The proposed boundary changes would benefit the public welfare and public interest as required by Minn. Stat. § 103D.251, subd. 7(a).
8. The proposed boundary changes should be approved per the Petitions for the Brown's Creek Watershed District and the Rice Creek Watershed District and the watershed management plans for the two watershed districts should be amended within one year to include the area of the boundary changes.

ORDER

The Board hereby orders that the boundaries of the Brown's Creek Watershed District and the Rice Creek Watershed District are changed per the Petitions as identified in the parcel identification table, Exhibit A, of the Petitions and a map of the Petitioned Area dated February 20, 2014, Exhibit B, attached hereto and fully incorporated herein. The watershed management plans for each of the two watershed districts must be amended to include the area of the boundary changes within one year of the date of this Order.

Dated this 28th day of May, 2014.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

EXHIBIT A

**Washington County
Boundary Change and Enlargement of
Brown's Creek Watershed District
and Rice Creek Watershed District**

The following 22 parcels would be included in Brown's Creek Watershed District:

| PARCEL ID | CITY | CURRENT WD | PROPOSED WD |
|---------------|-------|--|------------------|
| 903021430001 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 1603021120001 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 1603021210005 | Grant | Rice Creek WD (bisected, tax to RCWD) | Brown's Creek WD |
| 2203021230003 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021230004 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021230005 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021320002 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021320006 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021320007 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021320010 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021320011 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021330001 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021330002 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2203021330005 | Grant | Unassigned (orphan) | Brown's Creek WD |
| 2603121410001 | Hugo | Brown's Creek WD (bisected, tax to BCWD) | Brown's Creek WD |
| 2603121410002 | Hugo | Brown's Creek WD (bisected, tax to BCWD) | Brown's Creek WD |
| 3603121210002 | Hugo | Brown's Creek WD (bisected, tax to BCWD) | Brown's Creek WD |
| 3603121220001 | Hugo | Rice Creek WD (bisected, tax to RCWD) | Brown's Creek WD |
| 3603121230001 | Hugo | Unassigned (orphan) | Brown's Creek WD |
| 3603121230002 | Hugo | Unassigned (orphan) | Brown's Creek WD |
| 3603121320001 | Hugo | Unassigned (orphan) | Brown's Creek WD |
| 3603121320002 | Hugo | Unassigned (orphan) | Brown's Creek WD |

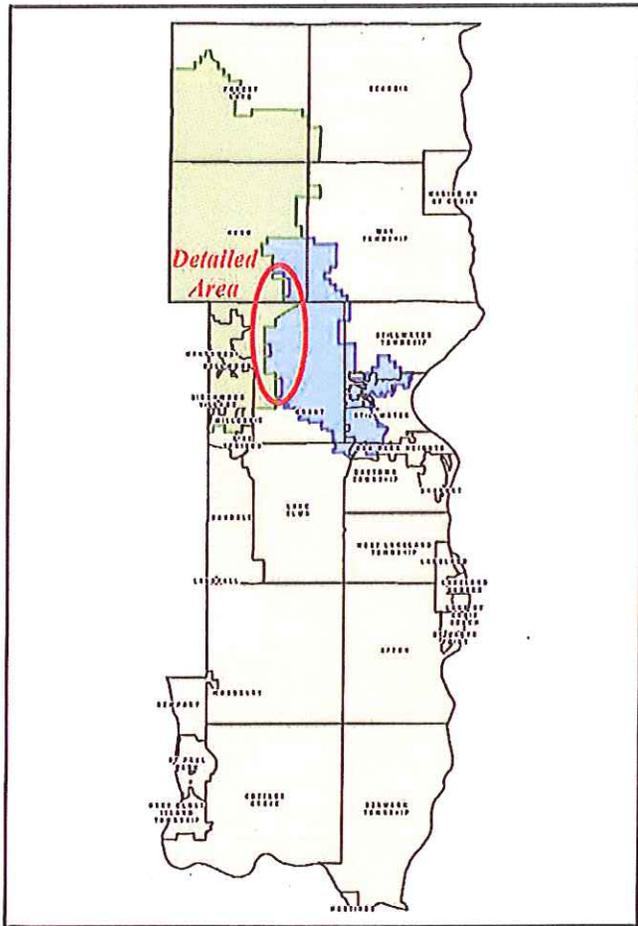
The following 17 parcels would be included in Rice Creek Watershed District:

| PARCEL ID | CITY | CURRENT WD | PROPOSED WD |
|---------------|-------|--|---------------|
| 903021420003 | Grant | Brown's Creek WD (entirely within BCWD) | Rice Creek WD |
| 903021420004 | Grant | Brown's Creek WD (entirely within BCWD) | Rice Creek WD |
| 2203021230002 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021320001 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021320005 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021320008 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021320009 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021330003 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021330004 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021330006 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021330007 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2203021330008 | Grant | Unassigned (orphan) | Rice Creek WD |
| 2603121420001 | Hugo | Brown's Creek WD (bisected, tax to BCWD) | Rice Creek WD |
| 2603121440001 | Hugo | Unassigned (orphan) | Rice Creek WD |
| 2603121440002 | Hugo | Unassigned (orphan) | Rice Creek WD |
| 3603121220003 | Hugo | Unassigned (orphan) | Rice Creek WD |
| 3603121220004 | Hugo | Unassigned (orphan) | Rice Creek WD |

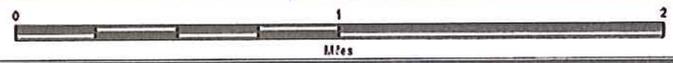
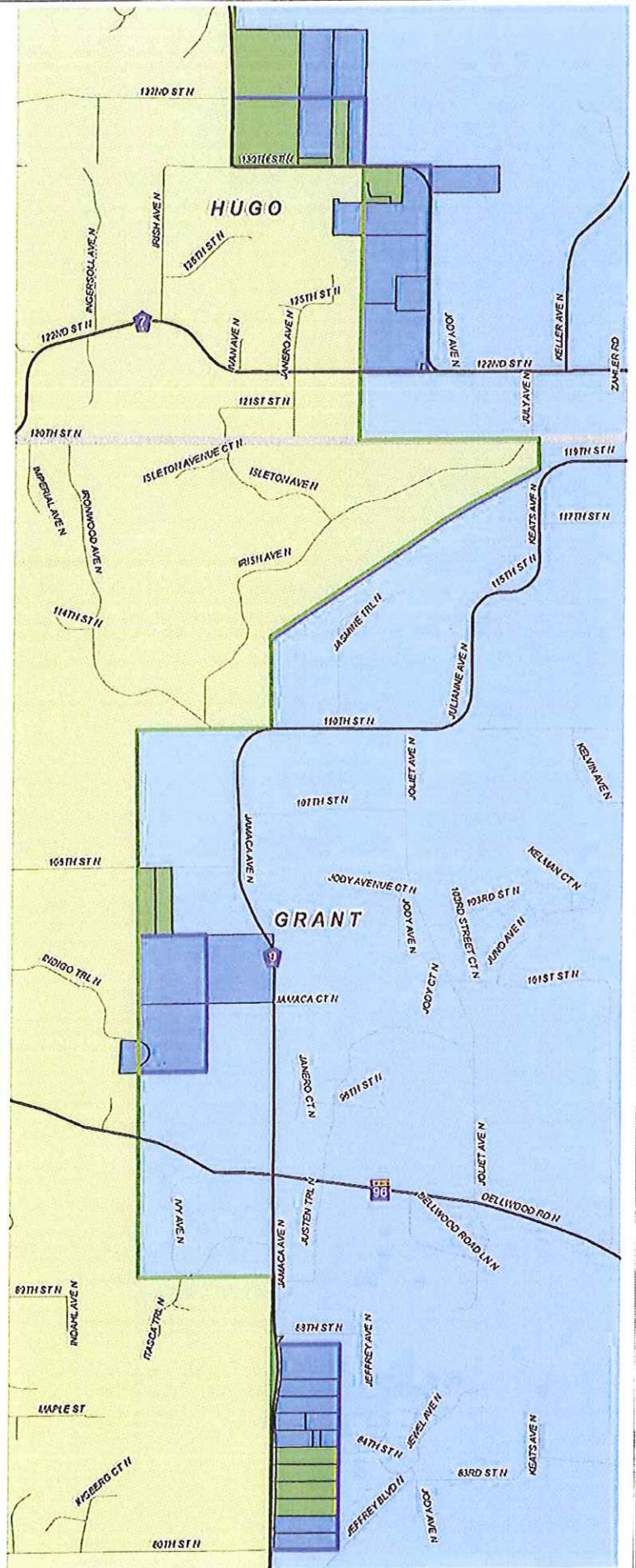
Washington County

Rice Creek/Browns Creek Boundary Change

Exhibit B



-  Current Brown's Creek Legal Boundary
-  Current Rice Creek Legal Boundary
-  Proposed Brown's Creek Parcel
-  Proposed Rice Creek Parcel



NEW BUSINESS

1. FY14 CWF Update of the Minnesota Public Drainage Manual Contract Award Recommendations – Al Kean and Tim Gillette – ***INFORMATION ITEM***
2. Riparian Buffers – Al Kean, BWSR; Logan Tjossem, Olmsted County; and Skip Langer, Olmsted Soil and Water Conservation District - ***INFORMATION ITEM***
3. BWSR Legislative Update – Sarah Strommen – ***INFORMATION ITEM***
4. SWCD – Technical Capacity Summit & Funding Legislation – Sarah Strommen, BWSR; and LeAnn Buck, MASWCD - ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Contract Award Recommendations for the Update of the Minnesota Public Drainage Manual

Meeting Date: 5/28/2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Statewide

Contact: Tim Gillette

Prepared by: Tim Gillette

Reviewed by: _____ Committee(s)

Presented by: Tim Gillette

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

N/A

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Clean Water Funds were appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, Section 7(e) for grants to local government units and to provide outreach to users. The appropriation language is as follows:

Session Laws of 2013, Chapter 137, HF-1183, Article 2, Section 7(e)
(e) \$1,700,000 the first year and \$1,700,000 the second year are for grants to local units of government to ensure compliance with Minnesota Statutes, chapter 103E, and sections 103F.401 to 103F.455, including enforcement efforts. Of this amount, \$235,000 the first year is to update the Minnesota Public Drainage Manual and the Minnesota Public Drainage Law Overview for Decision Makers and to provide outreach to users.

In accordance with the appropriation, BWSR executive staff outlined that it is the objective of the Minnesota Public Drainage Manual (MPDM) to:

1. Promote uniformity in the interpretation of what is called the Minnesota drainage code that is now found in Minn. Stat. 103E, and it will not be the objective to speculate as to what the drainage code ought to say;
2. Inform drainage law proponents of the interaction between the drainage code and other laws, state and federal;
3. Suggest uniform procedures in implementing the drainage code statewide;
4. Provide standardized forms for use in drainage proceedings;
5. Provide guidance related to multipurpose management of drainage water that is also focused beyond the drainage systems; and
6. Provide design guidance for implementation of best management practices on the drainage systems.

Objectives 1-4 are direct recitations of the objectives of the 1991 Public Drainage Manual. Objectives 5 and 6 are additions intended to make the manual more usable.

There are a number of different types of updates that will be applied to the two documents cited in the appropriation. They include:

1. Inclusion of changes that have been made to Drainage Law since the last update of the MPDM.
2. Revising MPDM content for clarification and to help guide consistent interpretation of drainage law.
3. Reformatting of the documents for easier reading and use.
4. Changing the method of publication to web-based.
5. Adding a Public Drainage System BMP Chapter.

Responses to the Update of the Minnesota Public Drainage Manual (UMPDM) project RFP established with funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(e) were evaluated based on the following criteria:

Update of the Minnesota Public Drainage Manual and the Understanding Minnesota Public Drainage Law – 2002 Overview for Decision-makers

| | Ranking Criteria | Maximum Points Possible |
|---|---|-------------------------|
| 1 | Relationship to Scope | 30 |
| 2 | Timeline | 10 |
| 3 | Staffing Plan sufficient to accomplish the activities (including external team members) | 20 |
| 4 | Costs | 15 |
| 5 | Outreach to Users of the Updated Documents | 15 |
| 6 | Responses in Interview (If selected for an interview) | 10 |
| | Total Points Available | 100 |

Ranking was accomplished by an interagency ranking team made up of BWSR (4), MDNR (1), MPCA (1), and MDA (1). Initial ranking (Criteria 1-4) occurred on April 16, 2014. In accordance with the RFP, responders were asked to interview. Those interviews (Criteria 5) were completed and ranked on May 8, 2014. The final ranking was done directly after the last interview.

Due to the language in the appropriation requiring the project to be handled as a grant to a local government, it was originally taken before the Grants Program and Policy Committee on January 10, 2014. While the project was open to response and continuing through the ranking period, BWSR staff worked with the legislature to modify the language of the appropriation. It was not clear that the legislature would be able to get the language changed. In lieu of the language change the originator of the 2013 appropriation in the Minnesota House sent a letter clarifying his intent to use a direct contract to accomplish the project. However, that letter was not necessary because the legislature corrected the language in LOM 2014, CHAPTER 312--H.F.No. 3172

Article 14 on May 16, 2014. *“The board may use the appropriation to update the Minnesota Public Drainage Manual and the Minnesota Public Drainage Law Overview for Decision Makers in Laws 2013, chapter 137, article 2, section 7, paragraph (e), for contracts or grants to achieve the purposes of the appropriation.”*

Normally contracts are handled administratively with an appropriate comment by the Director to the Board. However, due to the fact that this project started out as a grant to a local government and is now a contract, it is being brought to the Board as an information item only.

As a contract, MMD has a number of requirements about disclosure of vendors. One such requirement is that any and all losing responders to the RFP cannot be told of their rank until the contract has been executed. That precludes any statement to the Board of actual winning or losing responders in this item.

Contract development is in process. Execution of the contract is expected no later than July 15, 2014.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Riparian Buffers

Meeting Date: May 28, 2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Al Kean

Prepared by: _____

Reviewed by: _____ Committee(s)

Al Kean BWSR, Logan Tjossem
(Olmsted County), & Skip Langer
(Olmsted Soil and Water
Conservation District)

Presented by: _____

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Information item for the Board regarding buffer requirements and programs.

LINKS TO ADDITIONAL INFORMATION



EWG-Broken-Stream-Banks-2014.pdf

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Overview on common types of riparian buffers, current regulations and rules that require vegetated buffers, recent reports, and compliance and incentive programs for lake, stream, wetland, and ditch buffers. Olmsted County and SWCD staff will present their local effort to enforce buffer laws.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: BWSR Legislative Update

Meeting Date: _____

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Sarah Strommen

Prepared by: Sarah Strommen

Reviewed by: _____ Committee(s)

Presented by: Sarah Strommen

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Sarah Strommen will present BWSR’s legislative update.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: SWCD – Technical Capacity Summit & Funding Legislation

Meeting Date: May 28, 2014

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: N/A

Contact: Sarah Strommen/Doug Thomas

Prepared by: John Jaschke

Reviewed by: N/A

Presented by: Sarah Strommen/LeAnn Buck

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other:
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Informational presentation.

LINKS TO ADDITIONAL INFORMATION

[HF 3387; SF 2988](#)

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The current levels of SWCD technical assistance and district capacity are not fully able to meet current demands and future expectations. State General Fund budget reductions, declining Federal funding and support from USDA, and inconsistent and often insufficient support from Counties collectively threatens the stability of this foundation for achieving MN’s conservation and clean water goals. Finding ways to grow the local/state revenue options for SWCDs is needed if the state is going to be able to accelerate the pace of progress in addressing the major non-point pollution issues we are facing (excessive soil loss; riparian buffer, groundwater, sourcewater and wetland protection; stormwater and drainage system storage and treatment, etc.). These endeavors require practice and project funding, but they are not possible or will not last without highly capable local staff who the possess technical credentials and can earn the trust of landowners. Legislation was introduced late in the 2014 Session that includes mechanisms for SWCDs to generate local revenue to achieve their local/state/federal mission. MASWCD and BWSR will be holding a summit to gather ideas on June 11th in St. Cloud. Among the discussion points will be:

- What are the barriers/challenges to the way technical assistance works?
- What’s working? (the benefits/strengths of how technical assistance works in Minnesota?)
- What are the key technical assistance needs today and into the future?
- What technical services lend themselves best too coordinated efforts or shared services?
- How do we foster more of the right kinds of shared services?
- What kind of state and local structure is needed to accelerate or enhance technical assistance?

Minnesota State Legislature

Minnesota Senate

SF 2988 as introduced - 88th Legislature (2013 - 2014) Posted on 05/16/2014 08:45am

KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

[Version List](#) [Authors and Status](#)

- 1.1 A bill for an act
- 1.2 relating to natural resources; modifying authority of soil and water conservation
- 1.3 districts; granting levy authority; providing for creation of soil and water
- 1.4 management areas; amending Minnesota Statutes 2012, sections 103C.331,
- 1.5 subdivision 16, by adding a subdivision; 444.075, by adding a subdivision;
- 1.6 Minnesota Statutes 2013 Supplement, section 275.066; proposing coding for new
- 1.7 law in Minnesota Statutes, chapter 103C.
- 1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.9 Section 1. Minnesota Statutes 2012, section 103C.331, subdivision 16, is amended to
- 1.10 read:
- 1.11 Subd. 16. **Budget.** The district board shall annually present a budget consisting of
- 1.12 ~~an itemized statement of district expenses a work plan and budget~~ for the ensuing calendar
- 1.13 year to the boards of county commissioners of the counties in which the district is located.
- 1.14 The county boards may levy an annual tax on all taxable real property in the district for the
- 1.15 amount that the boards determine is necessary to meet the requirements of the district. ~~The~~
- 1.16 ~~amount levied shall be collected and distributed to the district as prescribed by chapter 276~~
- 1.17 or the district may adopt and certify a levy according to section 103C.332. The amount
- 1.18 may be spent by the district board for a district purpose authorized by law.
- 1.19 Sec. 2. Minnesota Statutes 2012, section 103C.331, is amended by adding a
- 1.20 subdivision to read:
- 1.21 Subd. 21. **Water resource management activities.** The supervisors may conduct
- 1.22 studies of and monitor soil and water resources within the district and implement soil
- 1.23 and water resource management programs.
- 2.1 Sec. 3. **[103C.332] BUDGET; DISTRICT FUNDS, LEVIES, AND CHARGES.**
- 2.2 Subdivision 1. **District operations fund.** (a) A district shall create an operations
- 2.3 fund of:
- 2.4 (1) an ad valorem tax levy, that may not exceed 0.048 percent of taxable market
- 2.5 value, or \$1,000,000, whichever is less;
- 2.6 (2) revenue received from the county for operation of the district under section
- 2.7 103C.331, subdivision 16; and
- 2.8 (3) revenue collected from charges associated with the establishment of a soil and
- 2.9 water management area under section 103C.333.
- 2.10 (b) The money in the fund shall be used for administrative costs, technical assistance,
- 2.11 projects, and programs that are of common benefit to the district.
- 2.12 Subd. 2. **Soil and water management fund.** A district may create a soil and water
- 2.13 management fund or funds for implementation of special projects and programs or to
- 2.14 match grants from outside sources consisting of:
- 2.15 (1) charges levied or to be levied against real property in one or more soil and water
- 2.16 management areas, established under section 103C.333, for the implementation of special
- 2.17 projects and programs of the district or to match grants authorized by the district board; and
- 2.18 (2) revenue received from a county, state, or federal agency for implementation of
- 2.19 special projects and programs of the district or to match grants.
- 2.20 Subd. 3. **Budget adoption.** On or before September 15 of each year, the district
- 2.21 board shall adopt a budget for the next year and decide on the total amount necessary
- 2.22 to be raised from ad valorem tax levies or soil and water management charges to meet
- 2.23 the district's budget.
- 2.24 Subd. 4. **Budget hearing.** (a) Before adopting a budget, the district board shall hold
- 2.25 a public hearing on the proposed budget.
- 2.26 (b) The district board shall publish a notice of the hearing with a summary of
- 2.27 the proposed budget in one or more newspapers of general circulation in each county
- 2.28 consisting of part of the district. The notice and summary shall be published once each
- 2.29 week for two successive weeks before the hearing. The last publication shall be at least
- 2.30 two days before the hearing.

2.31 2.31 Subd. 5. **Certification of levy to auditor.** After adoption of the budget and no
 2.32 later than September 15, the district shall certify to the auditor of each county within the
 2.33 district the county's share of an authorized tax, which shall be an amount bearing the same
 2.34 proportion to the total tax levy as the net tax capacity of the area of the county within the
 2.35 district bears to the net tax capacity of the entire district. The maximum amount of a levy
 2.36 may not exceed the amount provided in subdivision 1.

3.1 Subd. 6. **Levy.** Section 275.067 applies to levies authorized by this section. The
 3.2 auditor of each county in the district shall add the amount of an authorized levy made by
 3.3 the district board to the other tax levies on the property of the county within the district
 3.4 for collection by the county treasurer with other taxes. The county treasurer shall make
 3.5 settlement of the taxes collected with the treasurer of the district in the same manner as
 3.6 other taxes are distributed to the other political subdivisions.

3.7 **Sec. 4. [103C.333] SOIL AND WATER MANAGEMENT AREA.**

3.8 Subdivision 1. **Soil and water management area.** A district may establish,
 3.9 consistent with the district's comprehensive plan, a soil and water management area
 3.10 or areas within the district's territory, for collecting revenues and paying the costs of
 3.11 programs and projects that are consistent with the district's comprehensive plan and
 3.12 authorized under sections 103B.301 to 103B.355, 103C.331, 103C.501, and 103C.601.

3.13 Subd. 2. **Procedure.** A district may establish a soil and water management area only
 3.14 by district board order after public notice and hearings. The proposed order shall describe
 3.15 with particularity the territory to be included in the soil and water management area, the
 3.16 purpose of the soil and water management area, the budgeting process including public
 3.17 notice and hearing that will be used to set the amount of the necessary charges each year,
 3.18 the methods used to determine charges, and the length of time the water management area
 3.19 will remain in force. After adoption, the order shall be filed with the county auditor and
 3.20 county recorder. The soil and water management area may be dissolved by the procedure
 3.21 prescribed for the establishment of the soil and water management area.

3.22 Subd. 3. **Notification.** The district board shall, ten days prior to a hearing regarding
 3.23 the programs and projects implemented under this section, provide notice to the cities and
 3.24 counties within the soil and water management area. The cities and counties receiving
 3.25 notice shall submit to the district board concerns relating to the implementation of the
 3.26 programs or projects. The district board shall consider the concerns of the cities and
 3.27 counties in its decision.

3.28 **Sec. 5. Minnesota Statutes 2013 Supplement, section 275.066, is amended to read:**
 3.29 **275.066 SPECIAL TAXING DISTRICTS; DEFINITION.**

3.30 For the purposes of property taxation and property tax state aids, the term "special
 3.31 taxing districts" includes the following entities:

- 3.32 (1) watershed districts under chapter 103D;
- 3.33 (2) sanitary districts under sections 442A.01 to 442A.29;
- 3.34 (3) regional sanitary sewer districts under sections 115.61 to 115.67;
- 4.1 (4) regional public library districts under section 134.201;
- 4.2 (5) park districts under chapter 398;
- 4.3 (6) regional railroad authorities under chapter 398A;
- 4.4 (7) hospital districts under sections 447.31 to 447.38;
- 4.5 (8) St. Cloud Metropolitan Transit Commission under sections 458A.01 to 458A.15;
- 4.6 (9) Duluth Transit Authority under sections 458A.21 to 458A.37;
- 4.7 (10) regional development commissions under sections 462.381 to 462.398;
- 4.8 (11) housing and redevelopment authorities under sections 469.001 to 469.047;
- 4.9 (12) port authorities under sections 469.048 to 469.068;
- 4.10 (13) economic development authorities under sections 469.090 to 469.1081;
- 4.11 (14) Metropolitan Council under sections 473.123 to 473.549;
- 4.12 (15) Metropolitan Airports Commission under sections 473.601 to 473.679;
- 4.13 (16) Metropolitan Mosquito Control Commission under sections 473.701 to 473.716;
- 4.14 (17) Morrison County Rural Development Financing Authority under Laws 1982,
 4.15 chapter 437, section 1;
- 4.16 (18) Croft Historical Park District under Laws 1984, chapter 502, article 13, section 6;
- 4.17 (19) East Lake County Medical Clinic District under Laws 1989, chapter 211,
 4.18 sections 1 to 6;
- 4.19 (20) Floodwood Area Ambulance District under Laws 1993, chapter 375, article
 4.20 5, section 39;
- 4.21 (21) Middle Mississippi River Watershed Management Organization under sections
 4.22 103B.211 and 103B.241;
- 4.23 (22) emergency medical services special taxing districts under section 144F.01;
- 4.24 (23) a county levying under the authority of section 103B.241, 103B.245, or
 4.25 103B.251 ;
- 4.26 (24) soil and water conservation districts under chapter 103C;

4.27 4.27 (25) Southern St. Louis County Special Taxing District; Chris Jensen Nursing Home
 4.28 under Laws 2003, First Special Session chapter 21, article 4, section 12;
 4.29 ~~(25)~~ (26) an airport authority created under section 360.0426; and
 4.30 ~~(26)~~ (27) any other political subdivision of the state of Minnesota, excluding
 4.31 counties, school districts, cities, and towns, that has the power to adopt and certify a
 4.32 property tax levy to the county auditor, as determined by the commissioner of revenue.

4.33 Sec. 6. Minnesota Statutes 2012, section 444.075, is amended by adding a subdivision
 4.34 to read:

5.1 Subd. 2b. **Collection of charges by soil and water conservation districts.** (a)
 5.2 With respect to soil and water conservation districts, charges established under section
 5.3 103C.333 for district operations and programs and projects authorized under sections
 5.4 103B.301 to 103B.355, 103C.331, 103C.501, and 103C.601 may be billed and collected in
 5.5 a manner the district shall determine, including certification to the counties with territory
 5.6 within the district for collection by the counties. A county may bill and collect the charges
 5.7 in a manner the county board shall determine or as described in paragraph (b).
 5.8 (b) On or before October 15 in each year, the district or county board may certify to
 5.9 the county auditor all unpaid outstanding charges and a description of the lands against
 5.10 which the charges arose. The county auditor shall extend the charges with interest not
 5.11 to exceed the interest rate provided for in section 279.03, subdivision 1, upon the tax
 5.12 rolls of the county for the taxes of the year in which the charge is filed. For each year
 5.13 ending October 15, the charge with interest shall be carried into the tax becoming due
 5.14 and payable in January of the following year, and shall be enforced and collected in the
 5.15 manner provided for the enforcement and collection of real property taxes. The charges,
 5.16 if not paid, become delinquent and subject to the same penalties and the same rate of
 5.17 interest as real property taxes.
 5.18 (c) An individual may appeal the charges according to section 103C.635.

Minnesota State Legislature

Minnesota House of Representatives

HF 3387 as introduced - 88th Legislature (2013 - 2014) Posted on 05/16/2014 12:22pm

KEY: ~~stricken~~ = removed, old language. underscored = added, new language.

[Version List](#) [Authors and Status](#)

- 1.1 A bill for an act
- 1.2 relating to natural resources; requiring certain soil and water conservation district
- 1.3 supervisors to be elected by supervisor districts; modifying authority of soil and
- 1.4 water conservation districts; granting levy authority; providing for creation of
- 1.5 soil and water management areas; amending Minnesota Statutes 2012, section
- 1.6 103C.331, subdivision 16, by adding a subdivision; Minnesota Statutes 2013
- 1.7 Supplement, sections 103C.311, subdivision 2; 275.066; proposing coding for
- 1.8 new law in Minnesota Statutes, chapter 103C.
- 1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.10 Section 1. Minnesota Statutes 2013 Supplement, section 103C.311, subdivision 2,
- 1.11 is amended to read:
- 1.12 Subd. 2. **Supervisors elected by districts.** (a) ~~The A~~ district board, ~~with the~~
- 1.13 ~~approval of the state board, may shall~~ by resolution provide that supervisors will be
- 1.14 elected by supervisor districts as provided in this subdivision.
- 1.15 (b) A district board exercising its levy authority as provided under section 103C.332
- 1.16 shall by resolution provide that the district's supervisors will be elected by supervisor
- 1.17 districts.
- 1.18 ~~(b) (c)~~ The supervisor districts must be composed of precincts established by
- 1.19 county and municipal governing bodies under section 204B.14. The districts must be
- 1.20 compact, include only contiguous territory, and be substantially equal in population.
- 1.21 The districts must be numbered in a regular series. The districts must be drawn by the
- 1.22 county board of the county containing the largest area of the soil and water conservation
- 1.23 district, in consultation with the district board and with the approval of the state board.
- 1.24 The boundaries of the districts must be redrawn after each decennial federal census as
- 1.25 provided in section 204B.135. A certified copy of the resolution establishing supervisor
- 1.26 districts must be filed by the chair of the district board with the county auditor of the
- 2.1 counties where the soil and water conservation district is located, with the state board, and
- 2.2 with the secretary of state, and the filings must occur within 80 days of the time when the
- 2.3 legislature has been redistricted or at least 15 weeks before the state primary election in a
- 2.4 year ending in two, whichever comes first.
- 2.5 ~~(e) (d)~~ Each supervisor district is entitled to elect one supervisor. A supervisor must
- 2.6 be a resident of the district from which elected.
- 2.7 ~~(d) (e)~~ The district board shall provide staggered terms for supervisors elected by
- 2.8 district. After each redistricting, there shall be a new election of supervisors in all the
- 2.9 districts at the next general election, except that if the change made in the boundaries of a
- 2.10 district is less than five percent of the average population of all the districts, the supervisor
- 2.11 in office at the time of the redistricting shall serve for the full term for which elected. The
- 2.12 district board shall determine by lot the seats to be filled for a two-year term, a four-year
- 2.13 term, and a six-year term.
- 2.14 Sec. 2. Minnesota Statutes 2012, section 103C.331, subdivision 16, is amended to read:
- 2.15 Subd. 16. **Budget.** The district board shall annually present a budget consisting of
- 2.16 ~~an itemized statement of district expenses a work plan, projected outcomes and budget~~
- 2.17 ~~for the ensuing calendar year to the boards of county commissioners of the counties in~~
- 2.18 ~~which the district is located. The county boards may levy an annual tax on all taxable real~~
- 2.19 ~~property in the district for the amount that the boards determine is necessary to meet the~~
- 2.20 ~~requirements of the district. The amount levied shall be collected and distributed to the~~
- 2.21 ~~district as prescribed by chapter 276 or the district may adopt and certify a levy according~~
- 2.22 to section 103C.332. The amount may be spent by the district board for a district purpose
- 2.23 authorized by law.
- 2.24 Sec. 3. Minnesota Statutes 2012, section 103C.331, is amended by adding a
- 2.25 subdivision to read:
- 2.26 Subd. 21. **Water resource management activities.** The supervisors may conduct
- 2.27 studies of and monitor soil and water resources within the district, implement soil and

2.28 2.28 water resource management programs, and evaluate the effectiveness of the programs.

2.29 **Sec. 4. [103C.332] BUDGET; DISTRICT FUNDS, LEVIES, AND CHARGES.**

2.30 Subdivision 1. **District operations fund.** (a) A district shall create an operations

2.31 fund consisting of:

2.32 (1) revenue received from the county for operation of the district under section

2.33 103C.331, subdivision 16; and

3.1 (2) revenue collected from charges associated with the establishment of a soil and

3.2 water management area under section 103C.333.

3.3 (b) The money in the fund shall be used for administrative costs, technical

3.4 assistance, projects, and programs that are of common benefit to the soil and water

3.5 resources in the district.

3.6 Subd. 2. **Soil and water management fund.** A district may create a soil and water

3.7 management fund or funds for implementation of special projects and programs or to

3.8 match grants from outside sources consisting of:

3.9 (1) charges levied or to be levied against real property in one or more soil and water

3.10 management areas, established under section 103C.333, for the implementation of special

3.11 projects and programs of the district or to match grants authorized by the district board; and

3.12 (2) revenue received from a county, state, or federal agency for implementation of

3.13 special projects and programs of the district or to match grants.

3.14 Subd. 3. **Clean water matching fund.** (a) A district shall create a clean water

3.15 matching fund consisting of an ad valorem tax levy, which may not exceed 0.048 percent

3.16 of taxable market value or \$1,000,000, whichever is less.

3.17 (b) The money in the fund shall be used to match other funding for projects and

3.18 programs within the district.

3.19 Subd. 4. **Budget adoption.** On or before September 15 of each year, the district

3.20 board shall adopt a budget for the next year and decide on the total amount necessary to be

3.21 raised from ad valorem tax levies, soil and water management charges, or other sources to

3.22 meet the district's budget.

3.23 Subd. 5. **Budget hearing.** (a) Before adopting a budget, the district board shall hold

3.24 a public hearing on the proposed budget.

3.25 (b) The district board shall publish a notice of the hearing with a summary of

3.26 the proposed budget in one or more newspapers of general circulation in each county

3.27 comprising part of the district. The notice and summary shall be published once each

3.28 week for two successive weeks before the hearing. The last publication shall be at least

3.29 two days before the hearing.

3.30 Subd. 6. **Certification of levy to auditor.** After adoption of the budget and no

3.31 later than September 15, the district shall certify to the auditor of each county within the

3.32 district the county's share of an authorized tax, which shall be an amount bearing the same

3.33 proportion to the total tax levy as the net tax capacity of the area of the county within the

3.34 district bears to the net tax capacity of the entire district. The maximum amount of a levy

3.35 may not exceed the amount provided in subdivision 2.

4.1 Subd. 7. **Levy.** Section 275.067 applies to levies authorized by this section. The

4.2 auditor of each county in the district shall add the amount of an authorized levy made by

4.3 the district board to the other tax levies on the property of the county within the district

4.4 for collection by the county treasurer with other taxes. The county treasurer shall make

4.5 settlement of the taxes collected with the treasurer of the district in the same manner as

4.6 other taxes are distributed to the other political subdivisions.

4.7 Subd. 8. **Election of supervisors.** All district supervisors within a district must be

4.8 elected by supervisor districts as required under section 103C.311, subdivision 2, prior

4.9 to the district exercising levy authority under this section.

4.10 **Sec. 5. [103C.333] SOIL AND WATER MANAGEMENT AREA.**

4.11 Subdivision 1. **Soil and water management area.** (a) Except as provided in

4.12 paragraph (b), a district may establish, consistent with the district's comprehensive plan,

4.13 a soil and water management area or areas within the district's territory, for collecting

4.14 revenues and paying the costs of programs and projects that are consistent with the

4.15 district's comprehensive plan and authorized under sections 103B.301 to 103B.355,

4.16 103C.331, 103C.501, and 103C.601.

4.17 (b) A district may not establish a soil and water management area that includes an

4.18 area that is within an area delineated under section 103B.211, by a watershed management

4.19 organization, or within a watershed district.

4.20 Subd. 2. **Procedure.** A district may establish a soil and water management area

4.21 only by district board order after public notice and hearings. The proposed order shall

4.22 describe with particularity the territory to be included in the soil and water management

4.23 area, the purpose of the soil and water management area, the budgeting process including

4.24 public notice and hearing that will be used to set the amount of the necessary charges each

4.25 year, the methods used to determine charges, and the length of time the soil and water

4.26 management area will remain in force. After adoption, the order shall be filed with the
 4.27 county auditor and county recorder. The soil and water management area may be dissolved
 4.28 by the procedure prescribed for the establishment of the soil and water management area.
 4.29 Subd. 3. **Notification.** The district board shall, ten days prior to a hearing
 4.30 regarding the programs and projects implemented under this section, provide notice to the
 4.31 cities and counties within the soil and water management area. The cities and counties
 4.32 receiving notice shall submit to the district board requests and concerns relating to the
 4.33 implementation of the programs or projects. The district board shall consider the concerns
 4.34 of the cities and counties in its decision.

5.1 Sec. 6. Minnesota Statutes 2013 Supplement, section 275.066, is amended to read:
 5.2 **275.066 SPECIAL TAXING DISTRICTS; DEFINITION.**

5.3 For the purposes of property taxation and property tax state aids, the term "special
 5.4 taxing districts" includes the following entities:

- 5.5 (1) watershed districts under chapter 103D;
- 5.6 (2) sanitary districts under sections 442A.01 to 442A.29;
- 5.7 (3) regional sanitary sewer districts under sections 115.61 to 115.67;
- 5.8 (4) regional public library districts under section 134.201;
- 5.9 (5) park districts under chapter 398;
- 5.10 (6) regional railroad authorities under chapter 398A;
- 5.11 (7) hospital districts under sections 447.31 to 447.38;
- 5.12 (8) St. Cloud Metropolitan Transit Commission under sections 458A.01 to 458A.15;
- 5.13 (9) Duluth Transit Authority under sections 458A.21 to 458A.37;
- 5.14 (10) regional development commissions under sections 462.381 to 462.398;
- 5.15 (11) housing and redevelopment authorities under sections 469.001 to 469.047;
- 5.16 (12) port authorities under sections 469.048 to 469.068;
- 5.17 (13) economic development authorities under sections 469.090 to 469.1081;
- 5.18 (14) Metropolitan Council under sections 473.123 to 473.549;
- 5.19 (15) Metropolitan Airports Commission under sections 473.601 to 473.679;
- 5.20 (16) Metropolitan Mosquito Control Commission under sections 473.701 to 473.716;
- 5.21 (17) Morrison County Rural Development Financing Authority under Laws 1982,
 5.22 chapter 437, section 1;
- 5.23 (18) Croft Historical Park District under Laws 1984, chapter 502, article 13, section 6;
- 5.24 (19) East Lake County Medical Clinic District under Laws 1989, chapter 211,
 5.25 sections 1 to 6;
- 5.26 (20) Floodwood Area Ambulance District under Laws 1993, chapter 375, article
 5.27 5, section 39;
- 5.28 (21) Middle Mississippi River Watershed Management Organization under sections
 5.29 103B.211 and 103B.241;
- 5.30 (22) emergency medical services special taxing districts under section 144F.01;
- 5.31 (23) a county levying under the authority of section 103B.241, 103B.245, or
 5.32 103B.251 ;
- 5.33 (24) soil and water conservation districts under chapter 103C;
- 5.34 (25) Southern St. Louis County Special Taxing District; Chris Jensen Nursing Home
 5.35 under Laws 2003, First Special Session chapter 21, article 4, section 12;
- 5.36 ~~(25)~~ ~~(26)~~ an airport authority created under section 360.0426; and
- 6.1 ~~(26)~~ ~~(27)~~ any other political subdivision of the state of Minnesota, excluding
 6.2 counties, school districts, cities, and towns, that has the power to adopt and certify a
 6.3 property tax levy to the county auditor, as determined by the commissioner of revenue.